

Bernard D'Orazio (BD2494)  
Bernard D'Orazio, P.C.  
100 Lafayette Street-Suite 601  
New York, New York 10013-4400  
(212) 608-5300  
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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SUNNY COMPANY,

Plaintiff,

-against-

SHAW CREATIONS, INC.,

Defendant.

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**REPLY TO COUNTERCLAIM**

Civil Action No. 07 Civ. 9360

Plaintiff, as and for its Reply to Defendant's Counterclaims, responds that:

1. Admits the allegations in Paragraph 1.
2. Denies the allegations in Paragraph 2 except admits that Everglory Company is a business corporation and existing under the laws of the People's Republic of China and maintains its principal place of business in Hong Kong, China.
3. Admits the allegations in Paragraph 3.
4. Admits the allegations in Paragraph 4.
5. Denies the allegations in Paragraph 5.
6. Admits the claims in Paragraph 6.
7. Denies the allegations in Paragraph 7.
8. Denies the allegations in Paragraph 8.

- 9. Denies the allegations in Paragraph 9.
- 10. Denies the allegations in Paragraph 10.
- 11. Denies the allegations in Paragraph 11.
- 12. Denies the allegations in Paragraph 12.

**COUNT ONE**

13. Plaintiff repeats and incorporates his responses to the allegations of paragraphs 1 through 12 of the Reply as if set forth fully herein.

- 14. Denies the allegations in Paragraph 14.
- 15. Denies the allegations in Paragraph 15.
- 16. Denies the allegations in Paragraph 16.

**AFFIRMATIVE DEFENSES**

17. Defendant fails to state a claim for which relief may be granted under 17 U.S.C. § 101 because Defendant fails to allege (1) which specific original work(s) are the subject of the copyright claim; (2) that the defendant owns the copyright(s) in these work(s); (3) that the copyrights in question have been registered in compliance with the statute; and (4) by what acts and during what time defendant has infringed the copyright.

- 18. Defendant is not the owner of the alleged copyrighted material.

WHEREFORE, Sunny Company demands judgment against Shaw Creations for \$640,823.86, plus interest, attorney's fees, the costs and disbursements of this action, and such other and further relief as the Court deems just and proper.

Date: New York, New York  
December 21, 2007

LAW OFFICES OF  
BERNARD D'ORAZIO, P.C.

s/Bernard D'Orazio

By: \_\_\_\_\_  
Bernard D'Orazio (BD2494)  
Attorneys for Plaintiff  
100 Lafayette Street-Suite 601  
New York, New York 10013-4400  
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